

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

*IN RE CATTLE AND BEEF ANTITRUST
LITIGATION*

No. 0:20-cv-1319 (JRT/HB)

This document relates to:

In re DPP Beef Litigation

**DEFENDANTS' ANSWER AND
AFFIRMATIVE DEFENSES TO DIRECT
PURCHASER PLAINTIFFS' THIRD
CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT**

Defendants Tyson Foods, Inc. and Tyson Fresh Meats, Inc. (unless otherwise stated, collectively "Tyson Defendants") answer Plaintiffs' Complaint¹ as follows, in paragraphs numbered to correspond to the paragraph numbers in said Complaint:

GENERAL ANSWER

The Tyson Defendants deny all allegations in the Complaint unless the Tyson Defendants have expressly admitted those allegations herein. Where an allegation in the Complaint is directed at another Defendant or a party that is not affiliated with the Tyson Defendants, then except as otherwise expressly stated, the Tyson Defendants deny the allegations set forth in the Complaint on the basis that they deny the knowledge or information sufficient to form a belief concerning the truth of such allegations. Further, unless otherwise expressly admitted, the Tyson Defendants deny any allegations in the headings, footnotes, graphs/charts or in other places in the Complaint, to the extent that any such allegations require a response. Any headings, subheadings or similar text that the Tyson Defendants have included in this Answer are for the convenience of the Court and the parties, and are not intended to be nor shall they be construed as an admission of any fact by the Tyson Defendants.

¹ This case was previously docketed under Case No. 20-cv-1319.

Furthermore, the Tyson Defendants object to Plaintiffs' failure to differentiate between Defendant Tyson Foods, Inc. and Defendant Tyson Fresh Meats, Inc. and to allege specifically what either entity did to participate in the alleged conspiracy. Tyson Foods, the parent entity, is a separate corporation from Tyson Fresh Meats and Plaintiffs fail to offer information in sufficient detail to identify which entity took the alleged actions attributed to the Tyson Defendants throughout the Complaint.

ANSWERS TO PLAINTIFFS' SPECIFIC ALLEGATIONS

I. NATURE OF THIS ACTION

1. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph, and deny that Plaintiffs are entitled to any relief.

2. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

3. **Answer:** The Tyson Defendants specifically deny the conspiracy and collusive restriction of beef supply alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

4. **Answer:** Tyson Foods, Inc. admits it received a Civil Investigative Demand from the U.S. Department of Justice, Antitrust Division in 2020. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

5. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

6. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. To the extent the allegations in this paragraph rely on conversations between third parties, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is

required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

7. **Answer:** The Tyson Defendants specifically deny the collusive control of beef pricing and the conspiracy alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

8. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

9. **Answer:** The Tyson Defendants specifically deny the collaboration to restrain and manage production of beef alleged in the Complaint. This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

10. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the

Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

11. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

12. **Answer:** The Tyson Defendants specifically deny the collusion alleged in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

13. **Answer:** The Tyson Defendants specifically deny the conspiracy and throttling of the beef supply alleged in the Complaint. As to the data included in Figure 1, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

14. **Answer:** The Tyson Defendants specifically deny the agreement to coordinate slaughter reductions and volume alleged in the Complaint. As to the data included in Figure 2,

the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

15. **Answer:** As to the data included in Figure 3, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

16. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. As to the data included in Figures 1, 2, and 3, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is

required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

17. **Answer:** This paragraph contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

18. **Answer:** This paragraph contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

19. **Answer:** As to the data included in Figures 4 and 5, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

20. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

21. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

22. **Answer:** The Tyson Defendants specifically deny the collusion and concerted slashing of supply output alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

23. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

24. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. Regarding the cites to and quotes from Tyson Foods, Inc.'s earnings calls or filings made to the Securities and Exchanges

Commission, the Tyson Defendants note that those sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph. The Tyson Defendants otherwise deny the allegations in this paragraph.

25. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

26. **Answer:** The Tyson Defendants specifically deny the collusion alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

II. JURISDICTION AND VENUE

27. **Answer:** The Tyson Defendants admit that Plaintiffs purport to seek damages pursuant to Sections 4(a) and 16 of the Clayton Act. To the extent a response is required, the Tyson Defendants deny the allegations in this paragraph. The Tyson Defendants otherwise deny the allegations in this paragraph.

28. **Answer:** The Tyson Defendants admit that Plaintiffs seek to invoke the jurisdiction of this Court pursuant to 28 U.S.C. §§ 1331 and 1337, and Sections 4 and 16 of the

Clayton Act. To the extent a response is required, the Tyson Defendants deny the allegations in this paragraph. The Tyson Defendants otherwise deny the allegations in this paragraph.

29. **Answer:** The Tyson Defendants admit that Plaintiffs seek to establish venue in the United States District Court for the District of Minnesota pursuant to Sections 4, 12, and 16 of the Clayton Act and 28 U.S.C. § 1391(b), (c), and (d). The Tyson Defendants further admit that Tyson Fresh Meats, Inc. has purchased fed cattle owned or located in this District and admit that Tyson Fresh Meats, Inc. has sold products to customers located in this District. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

30. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. The Tyson Defendants admit that they have transacted business in this District. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions regarding the interest Minnesota has in the matter to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

31. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. The Tyson Defendants otherwise deny the allegations in this paragraph.

III. PARTIES

A. Plaintiffs

32. **Answer:** The Tyson Defendants specifically deny the antitrust violations alleged in the Complaint. The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

33. **Answer:** The Tyson Defendants specifically deny the antitrust violations alleged in the Complaint. The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

34. **Answer:** The Tyson Defendants specifically deny the antitrust violations alleged in the Complaint. The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

B. Defendants

1. The Cargill Defendants

35. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any

of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

36. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

37. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

38. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

2. The JBS Defendants

39. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

40. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

41. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

42. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

43. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

44. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either

Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

45. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

3. The Tyson Defendants

46. **Answer:** The Tyson Defendants admit that Tyson Foods, Inc. is a publicly traded Delaware corporation headquartered in Springdale, Arkansas and that Tyson Fresh Meats, Inc. sold beef products in interstate commerce. The Tyson Defendants otherwise deny the allegations of this paragraph.

47. **Answer:** The Tyson Defendants admit the allegations in this paragraph.

48. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. owns and operates fed cattle slaughter plants and contracts for the purchase of cattle slaughter at those plants. The Tyson defendants otherwise deny the allegations in this paragraph.

49. **Answer:** The Tyson Defendants deny that Tyson Foods, Inc. sold beef products during the Class Period. The Tyson Defendants otherwise admit the allegations in this paragraph.

50. **Answer:** To the extent the allegations in this paragraph rely on sources attributed to Tyson Foods, Inc., the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

51. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. The Tyson Defendants otherwise deny the allegations in this paragraph.

4. National Beef Packing Company

52. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

53. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

54. **Answer:** To the extent this paragraph contains Plaintiffs' definition of "Defendants," no response is required. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

55. **Answer:** The Tyson Defendants specifically deny the coordinated and collusive behavior and conspiracy alleged in the Complaint. The Tyson Defendants admit that Tyson Fresh Meats, Inc. sold beef products to purchasers during the Class Period. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

C. Defendants' co-conspirators

56. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

D. Reciprocal agency of Defendants and co-conspirators

57. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

58. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

E. Defendant parent and subsidiary companies share a unity of interest

59. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

60. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

61. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

62. **Answer:** The Tyson Defendants specifically deny the illegal enterprise and conspiracy alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

63. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny

such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

1. The Cargill Defendants

64. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

65. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

66. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

67. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

68. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

69. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

70. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

71. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

72. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either

Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

2. The JBS Defendants

73. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

74. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

75. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

76. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

77. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

78. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

79. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

3. The Tyson Defendants

80. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. is a subsidiary of Tyson Foods, Inc. The Tyson Defendants further admit that Tyson Fresh Meats, Inc. is the only Tyson Defendant that purchased fed cattle and sold beef products during the alleged class periods. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

81. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

82. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

83. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. Regarding the cites to and quotes from Tyson Foods, Inc.'s website or earnings calls, the Tyson Defendants note that those sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

84. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

85. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

86. **Answer:** Regarding the SEC registration statement cited in this paragraph, the Tyson Defendants note that the source speaks for itself and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

87. **Answer:** Regarding the Form 424B5 filed with the SEC, the Tyson Foods, Inc. Prospectus cited in this paragraph, the Tyson Defendants note that the source speaks for itself and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

88. **Answer:** Regarding the USDA website referenced in this paragraph, the Tyson Defendants note that the source speaks for itself and deny any characterization or description that is inconsistent therewith.

89. **Answer:** The Tyson Defendants specifically deny the price fixing and conspiracy alleged in the Complaint. This paragraph also contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

IV. INDUSTRY BACKGROUND

90. **Answer:** As to the data cited in this paragraph, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterization of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no

response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

91. **Answer:** The Tyson Defendants admit that the descriptions of terms related to the fed cattle market in this paragraph are generally correct, but state that exact definitions and descriptions may vary and that some exceptions exist.

92. **Answer:** The Tyson Defendants admit that the descriptions of the fed cattle market in this paragraph are generally correct, but state that exact definitions and descriptions may vary and that some exceptions exist. To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

93. **Answer:** The Tyson Defendants admit that the descriptions of the fed cattle market in this paragraph are generally correct, but state that exact definitions and descriptions may vary and that some exceptions exist. To the extent this paragraph characterizes or describes USDA documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

94. **Answer:** The Tyson Defendants admit that the descriptions of the fed cattle market in this paragraph are generally correct, but state that exact definitions and descriptions may vary and that some exceptions exist. This paragraph otherwise contains Plaintiff's characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

95. **Answer:** The Tyson Defendants admit that the descriptions of the fed cattle market in this paragraph are generally correct, but state that exact definitions and descriptions

may vary and that some exceptions exist. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

96. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. sells beef products to purchasers in the wholesale market, which then sell those beef products to other customers. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

97. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. holds a daily meeting often attended by representatives of the cattle procurement, plant operations, scheduling, beef sales and risk management teams, among others, to make decisions regarding its cattle and beef operations. The topics discussed during those daily meetings vary. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

98. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent the allegations relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and,

therefore, deny these allegations. To the extent the quoted material relies on data or other sources, the Tyson Defendants lack information to confirm that data and sources and therefore deny these allegations.

V. OPERATING DEFENDANTS' ANTITRUST VIOLATIONS

99. **Answer:** To the extent this paragraph characterizes or describes documents, earnings calls or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

100. **Answer:** To the extent this paragraph characterizes or describes documents, earnings calls or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

101. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

102. **Answer:** The Tyson Defendants specifically deny the collective reduction and management of slaughter volumes alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is

required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

103. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

A. Direct evidence of Defendants' conspiracy

104. **Answer:** The Tyson Defendants specifically deny the agreement to periodically reduce purchase and slaughter volumes alleged in the Complaint. To the extent the allegations in this paragraph rely on conversations between third parties, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

105. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

106. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

107. **Answer:** The Tyson Defendants specifically deny the collusive purchase and slaughter reduction agreement alleged in the Complaint, and deny that Mr. Hooker was in a position to know about the unlawful agreement alleged in the Complaint. To the extent the allegations in this paragraph rely on conversations between third parties, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

108. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

109. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

110. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

1. Mr. Hooker Was Well Positioned to Know About Operating Defendants' Agreement

111. **Answer:** The Tyson Defendants admit that James Hooker was a former production supervisor at Tyson Fresh Meats, Inc.'s Amarillo, Texas, slaughter plant. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and, therefore, deny these allegations.

112. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

113. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

114. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

115. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

116. **Answer:** This paragraph and the corresponding photo contain Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or

conclusions. The Tyson Defendants otherwise lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

117. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations. The Tyson Defendants also note that Plaintiffs have identified a different individual as Mr. Hooker in this paragraph and in footnote 9.

118. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

2. Witness 1 Learns of an Agreement Among Defendants

119. **Answer:** The Tyson Defendants specifically deny the agreement alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties or their statements to others, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

120. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

121. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

122. **Answer:** The Tyson Defendants specifically deny the agreement alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties or their statements to others, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, deny these allegations.

123. **Answer:** The Tyson Defendants specifically deny the agreement alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties or their statements to others, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

124. **Answer:** The Tyson Defendants specifically deny the agreement alleged in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties or their statements to others, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, deny these allegations.

125. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

126. **Answer:** The Tyson Defendants specifically deny the coordination and agreement regarding slaughter and processing capacity alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

B. The Available Data Corroborates Witness 1's Account

127. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. made decisions about its own beef processing volumes based on various supply and demand conditions, including the supply and price of fed cattle. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants

lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

128. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

129. **Answer:** The Tyson Defendants specifically deny the allegations of joint slaughter management and agreement alleged in the Complaint. To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. As to the data cited in this paragraph, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy and therefore deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

130. **Answer:** The Tyson Defendants specifically deny any allegation of agreed-upon rationing of fed cattle supply alleged in this paragraph. To the extent that Figure 1 relies on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

131. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Figure 1 relies on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

132. **Answer:** The Tyson Defendants specifically deny the agreement alleged in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

133. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Figure 1 relies on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

134. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that the allegations rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. To

the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

135. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Figures 1 and 7 rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

136. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

137. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that the allegations in the paragraph rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

138. **Answer:** As to the data included in Figure 2, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory

statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

139. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent Figure 3 relies on underlying data, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

140. **Answer:** The Tyson Defendants specifically deny the allegations of a collective agreement and managing collective demand in the Complaint. The Tyson Defendants admit that Tyson Fresh Meats, Inc. increased slaughter levels during the alleged Class Period. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent the allegations rely on underlying data, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

C. Operating Defendants slash production in 2015

141. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson

Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

142. **Answer:** As to the data cited in this paragraph, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph. The Tyson Defendants otherwise deny the allegations in this paragraph.

143. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. To the extent that the allegations in this paragraph rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

144. **Answer:** To the extent this paragraph characterizes or describes documents or other sources attributed to Tyson Foods, Inc., the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this

action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

145. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. To the extent that the allegations in this paragraph rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

146. **Answer:** To the extent this paragraph characterizes or describes documents or other sources attributed to Tyson Foods, Inc., the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

147. **Answer:** The Tyson Defendants specifically deny the allegations of collective slaughter reductions in this paragraph. As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and

therefore deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

148. **Answer:** This paragraph consists of cites and quotes from an industry publication and article, about which the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein. The Tyson Defendants therefore deny these allegations.

149. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny these allegations.

150. **Answer:** The Tyson Defendants admit that Donnie Smith was Tyson Foods, Inc.'s CEO in August 2015. To the extent this paragraph characterizes or describes documents or other sources attributed to Tyson Foods, Inc., the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

151. **Answer:** The Tyson Defendants specifically deny the concerted actions to depress cattle prices alleged in this paragraph. Regarding the USDA data cited in this paragraph, the Tyson Defendants note that the data speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent that the allegations in this paragraph rely

on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

D. Operating Defendants continued to artificially limit supply into 2016

152. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny these allegations.

153. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Plaintiffs' estimates of quarterly slaughter volumes rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

154. **Answer:** The Tyson Defendants specifically deny the allegations of rationing cattle in this paragraph. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required,

the Tyson Defendants deny such characterizations and/or allegations. To the extent that Plaintiffs' margin estimates rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny these allegations.

155. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

156. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Plaintiffs' estimates of quarterly slaughter volumes rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or

information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

157. **Answer:** The Tyson Defendants specifically deny the allegations of collective adherence to rationing the available cattle supply in this paragraph. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Plaintiffs' analysis of margin estimates relies on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

E. After historic cuts, Operating Defendants continued to keep supply restrained, resulting in higher beef prices and unprecedented margins in 2017 and 2018

158. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Plaintiffs' estimated slaughter volumes rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

159. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent this paragraph

includes cash cattle prices, the Tyson Defendants note that the cited sources speak for themselves and deny any characterization or description that is inconsistent therewith.

160. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Plaintiffs' margin estimates rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

161. **Answer:** The Tyson Defendants specifically deny the scheme alleged in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that Figure 1 relies on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny these allegations.

162. **Answer:** The Tyson Defendants specifically deny the allegations of a commitment to rationing cattle alleged in this paragraph. To the extent that Plaintiffs' estimates of Defendants' estimated slaughter volumes rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and

therefore deny these allegations. To the extent that Figure 7 relies on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations.

F. Operating Defendants' 2019 and 2020 Bring Continued Parallel Slaughter, Reaction Against Independent Self-Interest

163. **Answer:** As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

164. **Answer:** The Tyson Defendants specifically deny the allegations of working together to constrain cattle prices alleged in the Complaint. As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

165. **Answer:** The Tyson Defendants specifically deny the allegations of an adherence to a common pricing strategy alleged in the Complaint. This paragraph otherwise contains

Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. Regarding the cite from an industry publication footnote 35, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny the accompanying allegations.

166. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. Regarding the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny the accompanying allegations.

167. **Answer:** This paragraph includes cites or quotes from industry publications or articles about which the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny the accompanying allegations.

168. **Answer:** The Tyson Defendants admit that an accidental fire occurred at Tyson Fresh Meats, Inc.'s processing plant in Holcomb, Kansas on August 9, 2019; and (b) immediately thereafter, they announced that the plant would be rebuilt and would resume operations as quickly as possible. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations

subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. Regarding the cites or quotes from industry publications or articles in footnote 37, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny the accompanying allegations.

169. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent that the estimated per head margins in this paragraph rely on underlying data and Plaintiffs' own assumptions and estimates, the Tyson Defendants lack knowledge or information to confirm and therefore deny these allegations. Regarding the cites or quotes from industry publications or articles in footnote 38, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny the accompanying allegations.

170. **Answer:** The Tyson Defendants admit that media reports following the fire reported that the Holcomb plant's daily capacity was approximately 6,000 head of cattle. This paragraph otherwise contains Plaintiff's characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

171. **Answer:** The Tyson Defendants specifically deny the parallel and coordinated decrease in production alleged in the Complaint. As to the data included in Figures 9–13, the

Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

172. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

173. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

G. Defendants idled and closed plants, refrained from expanding processing capacity

174. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. The Tyson Defendants admit that: (a) Tyson Fresh Meats Inc.'s plant in Cherokee, Iowa was closed in September 2014; (b) the plant was sold to an independent processor after deciding to cancel a lease on the property that did not expire until the year 2050; and (c) the sale was subject to a 10-year covenant placing certain limits on the number of fed cattle that could be harvested or processed at the facility. To the extent this paragraph or the corresponding footnotes characterize or describe documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent

therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

175. **Answer:** The Tyson Defendants admit that Tyson Fresh Meat Inc.'s plant in Denison, Iowa was closed in August 2015. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

176. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

177. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the

Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

178. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

179. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc.'s Dakota City plant capacity was upgraded in 2015. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

H. Operating Defendants signaled their conspiracy and encouraged each other to maintain it

180. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. The Tyson Defendants admit that Donnie Smith was employed by Tyson Foods, Inc. in 2015. To the extent the allegations in this paragraph characterizes or describes documents or other sources attributed to Tyson Foods, Inc., the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this

action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

I. Parallel Reductions in Cash Cattle Purchases and Anticompetitive Queuing Conventions

181. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. acquires some of its fed cattle through the cash cattle market and some of its fed cattle through alternative marketing agreements such as formula and forward contracts, and that under those contracts a producer agrees to deliver fed cattle to Tyson Fresh Meats, Inc. at a future date. The Tyson Defendants admit that the descriptions of terms related to the fed cattle market in this paragraph are generally correct, but state that exact definitions and descriptions may vary and that some exceptions exist. Unless expressly admitted, the allegations in this paragraph are denied.

182. **Answer:** The Tyson Defendants specifically deny the allegations of joint management of cash cattle purchases alleged in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

183. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by

expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

184. **Answer:** This paragraph purports to describe the alleged queuing convention and how it worked in practice, to which no response is required. To the extent a response is required, the Tyson Defendants deny the Complaint's allegations that Tyson Foods agreed with other Defendants to impose the queuing convention upon producers.

185. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

186. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. employed Brian Alsup as a Cattle Buyer during the time period Witness 2 was allegedly working at Carrizo Feeders (2012 to 2015). To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

187. **Answer:** The Tyson Defendants admit that Tyson Fresh Meats, Inc. employed Brian Alsup as a Cattle Buyer during the time period Witness 2 was allegedly working at Carrizo Feeders (2012 to 2015). To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

188. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

189. **Answer:** The Tyson Defendants specifically deny the collective action and anticompetitive conduct alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

VI. EFFECTS OF DEFENDANTS' ANTITRUST VIOLATIONS

A. Defendants' conspiracy increased the spread between cattle and beef prices.

190. **Answer:** The Tyson Defendants admit that droughts from 2011 through 2013 affected the supply of fed cattle. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

191. **Answer:** To the extent this paragraph or the corresponding footnote characterize or describe documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

192. **Answer:** The Tyson Defendants specifically deny the conspiracy and restriction of the beef supply alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements,

and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

193. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

194. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

195. **Answer:** The Tyson Defendants specifically deny the conspiracy and collusion alleged in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

B. Tyson Foods and, jointly, JBS S.A. and JBS USA falsely claimed their record profits were due to market prescience, not supply constraints

196. **Answer:** To the extent the allegations in this paragraph characterize or describe documents or other sources attributed to Tyson Foods, Inc., the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

VII. ADDITIONAL PLUS FACTORS ENCOURAGING THE REASONABLE INFERENCE OF DEFENDANT' CONSPIRACY

197. **Answer:** The Tyson Defendants specifically deny the allegations of collusion in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

A. The beef market is highly concentrated

198. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

199. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by

expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

200. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

201. **Answer:** The Tyson Defendants admit that Tyson Foods, Inc. acquired IBP, Inc. in 2001. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

202. **Answer:** The Tyson Defendants specifically deny the allegations of conspiracy in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

B. The beef market has high barriers to entry

203. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

204. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

205. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

206. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations.

C. Beef is a commodity product

207. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by

expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

208. **Answer:** The Tyson Defendants admit that the USDA posts daily beef prices, and that cattle options and futures are traded on the Chicago Mercantile Exchange. The Tyson Defendants deny that all the beef produced by Tyson Fresh Meats, Inc. is a commodity product. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

209. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

210. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

D. The demand for beef is inelastic

211. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

212. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

213. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

214. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

215. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

216. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory

statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

E. Defendants took advantage of multiple opportunities to collude

217. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

218. **Answer:** The Tyson Defendants admit: (a) some of their executives have participated in National Cattlemen's Beef Association events and the NCBA's Product Council in the past; and (b) Kevin Hueser was either an officer or board member or formally designated participant of the NCBA during at least part of the alleged Class Period. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

219. **Answer:** The Tyson Defendants admit: (a) Tyson Foods, Inc. was a member of the USMEF during at least part of the alleged Class Period; (b) Roel Andriessen and Robert Shuey were participants and held positions with the USMEF during at least part of the alleged Class Period; and (c) Roel Andriessen attended the USMEF Strategic Planning Conference in Tucson, Arizona, in November 2017. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

220. **Answer:** The Tyson Defendants admit that Tyson Foods, Inc. is currently a member of the Global and U.S. Roundtables for Sustainable Beef, and that some of their executives have participated in Global and U.S. Roundtables for Sustainable Beef annual meetings in the past. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

221. **Answer:** The Tyson Defendants admit: (a) their executives have participated in North American Meat Institute events; and (b) Noel White and Thomas Hayes served on the NAMI executive committee during the alleged Class Period. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

222. **Answer:** The Tyson Defendants admit: (a) their executives have attended the annual Meat Conference; and (b) Don Kieffer attended the Conference in 2017 and 2018. To the extent the allegations in this paragraph rely on the sources cited in footnotes 53–57, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants deny the allegations in this paragraph.

223. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

224. **Answer:** The Tyson Defendants admit: (a) some of their executives have attended the annual Meat Conference; and (b) Donnie Smith is listed as a registered attendee in 2012. To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

225. **Answer:** The Tyson Defendants admit that Kevin Hueser, Randall Chambers, John Gerber attended AgCon in 2018. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

226. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. The Tyson Defendants admit that Tyson Foods, Inc. sold its Brazilian and Mexican chicken operations to JBS S.A. in 2014 and 2015 and that executives of Tyson Foods, Inc. were

involved in discussions about those transactions. To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants not that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

227. **Answer:** The Tyson Defendants specifically deny the conspiracy alleged in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

F. Defendants exacerbated their supply restraints by continuing to reduce their imports

228. **Answer:** As to the data included in Figure 15, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

229. **Answer:** The Tyson Defendants specifically deny the allegations of conspiracy in the Complaint. To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient

to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

230. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

G. Defendants' Market Share Stability is Indicative of a Conspiracy

231. **Answer:** The Tyson Defendants specifically deny the allegations of anticompetitive behavior in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

232. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

233. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by

expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

234. **Answer:** To the extent the allegations in this paragraph relate to the other Defendants and/or third parties to this action, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations and, therefore, deny these allegations. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

235. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

236. **Answer:** The Tyson Defendants specifically deny the allegations of conspiracy in the Complaint. As to the data included in Figure 16, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

H. The Production Cuts Were Implemented Despite Surging Beef Demand

237. **Answer:** The Tyson Defendants specifically deny the allegations of joint slaughter management and collective restraint in the Complaint. The Tyson Defendants deny that

John Gerber was Head of Fed Cattle Procurement for Tyson Fresh Meats, Inc. in November 2018. To the extent this paragraph characterizes or quotes from documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

238. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

239. **Answer:** As to the cites or quotes from industry publications or articles, the Tyson Defendants lack sufficient information and knowledge to admit or deny the accuracy of any data or sources used to support the statements and opinions therein, and therefore deny these allegations. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

240. **Answer:** The Tyson Defendants specifically deny the allegations of collusion in the Complaint. As to the data included in Figure 17, the Tyson Defendants lack sufficient information and knowledge to admit or deny their accuracy. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory

statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

VIII. THE BEEF INDUSTRY FACES GOVERNMENTAL INQUIRIES AND INVESTIGATIONS

241. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

242. **Answer:** The Tyson Defendants specifically deny the allegations of illegal acts in the Complaint. This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations. The Tyson Defendants otherwise deny the allegations in this paragraph.

243. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

244. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any

characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

245. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

246. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

247. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

248. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

249. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

250. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith.

251. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. The Tyson Defendants otherwise deny the allegations in this paragraph.

IX. ANTITRUST INJURY

252. **Answer:** The Tyson Defendants specifically deny the allegations of collusion in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

253. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

254. **Answer:** The Tyson Defendants specifically deny the allegations of collaboration to restrict supply in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

255. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

256. **Answer:** The Tyson Defendants specifically deny the allegations of collusion to restrict supply in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

257. **Answer:** The Tyson Defendants specifically deny the allegations of concerted manipulation of slaughter capacity and processing volume in the Complaint. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

258. **Answer:** The Tyson Defendants deny the allegations of collusion in the Complaint and otherwise deny the allegations in this paragraph. This paragraph otherwise contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

259. **Answer:** The Tyson Defendants deny the allegations of collusion in the Complaint and otherwise deny the allegations in this paragraph. This paragraph otherwise

contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

260. **Answer:** This paragraph contains Plaintiffs' characterizations of their claims, including unfounded speculation and conclusory statements, and allegations subject to proof by expert testimony, to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or allegations.

261. **Answer:** The Tyson Defendants deny the allegations of conspiracy in the Complaint and otherwise deny the allegations in this paragraph.

262. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

263. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

X. DEFENDANTS FRAUDULENTLY CONCEALED THEIR CONSPIRACY

264. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

A. Defendants' concealment of Plaintiffs' cause of action

265. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

266. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

267. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

268. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

269. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

270. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

271. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required,

the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

272. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

273. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

274. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions. The Tyson Defendants otherwise deny the allegations in this paragraph.

1. The Cargill Defendants

275. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

276. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either

Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

277. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

278. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

2. The JBS Defendants

279. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

280. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

281. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

282. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

283. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

3. National Beef

284. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

285. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either

Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

286. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

287. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

288. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

289. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

290. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

291. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

292. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

293. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

294. **Answer:** The allegations set forth in this paragraph are not directed to the Tyson Defendants and, therefore, no response is required from the Tyson Defendants. To the extent any of the allegations set forth in this paragraph could be construed as allegations against either

Tyson Defendant, the Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and, therefore, deny these allegations.

4. The Tyson Defendants

295. **Answer:** The Tyson Defendants specifically deny the allegations of conspiracy in the Complaint. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

296. **Answer:** The Tyson Defendants specifically deny the allegations of conspiracy in the Complaint. To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

297. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

298. **Answer:** To the extent this paragraph characterizes or describes documents or other sources, the Tyson Defendants note that such sources speak for themselves and deny any characterization or description that is inconsistent therewith. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is

required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

299. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

300. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

B. Plaintiffs were unable to discover the existence of Operating Defendants' conspiracy

301. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding when Plaintiffs learned of Witness 1 and, therefore, deny these allegations. This paragraph otherwise contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

302. **Answer:** The Tyson Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations regarding when Plaintiffs learned of any investigations and, therefore, deny these allegations.

303. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

304. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

305. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

C. Plaintiffs exercised due diligence in attempting to discover their claim

306. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

307. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

308. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

309. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

310. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

311. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

312. **Answer:** Regarding the GAO report cited in this paragraph, the Tyson Defendants note that the source speaks for itself and deny any characterization or description that is inconsistent therewith. This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

XI. DEFENDANTS ENGAGED IN CONTINUING ANTITRUST VIOLATIONS

313. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

A. Defendants Renewed their Conspiracy with New and Independent Acts

314. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

315. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

316. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

317. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

318. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

B. Defendants Inflicted New and Accumulating Injury on Plaintiffs

319. **Answer:** The Tyson Defendants specifically deny the price-fixing agreement alleged in the Complaint. This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

320. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

321. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

322. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

323. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

324. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

325. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

326. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

327. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

328. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

XII. CLASS ACTION ALLEGATIONS

329. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants admit that the Complaint purports to bring a class action on behalf of the class defined in this paragraph, but deny that such a class may be properly certified.

330. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

331. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

332. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

333. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

334. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

335. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

336. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

337. **Answer:** This paragraph contains Plaintiffs' characterization of their claims and/or legal conclusions to which no response is required. To the extent a response is required, the Tyson Defendants deny such characterizations and/or conclusions.

XIII. VIOLATIONS OF SECTION 1 OF THE SHERMAN ACT, 15 U.S.C. § 1

338. **Answer:** The Tyson Defendants incorporate by reference their answers to each preceding and succeeding paragraph, as if fully set forth herein in response to this paragraph.

339. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

340. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

341. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

342. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

343. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

344. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

345. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

346. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

347. **Answer:** The Tyson Defendants deny the allegations in this paragraph.

XIV. REQUEST FOR RELIEF

A. **Answer:** The Tyson Defendants deny that Plaintiffs are entitled to any relief and request that the Court find for Defendants on all claims.

B. **Answer:** The Tyson Defendants deny that Plaintiffs are entitled to any relief and request that the Court find for Defendants on all claims.

C. **Answer:** The Tyson Defendants deny that Plaintiffs are entitled to any relief and request that the Court find for Defendants on all claims.

D. **Answer:** The Tyson Defendants deny that Plaintiffs are entitled to any relief and request that the Court find for Defendants on all claims.

E. **Answer:** The Tyson Defendants deny that Plaintiffs are entitled to any relief and request that the Court find for Defendants on all claims.

F. **Answer:** The Tyson Defendants deny that Plaintiffs are entitled to any relief and request that the Court find for Defendants on all claims.

XV. JURY TRIAL DEMANDED

Answer: This paragraph does not contain any factual assertions to which a response is required. To the extent a response is required, pursuant to Federal Rule of Civil Procedure 38 the Tyson Defendants also demand a jury trial on all claims so triable.

AFFIRMATIVE DEFENSES

The Tyson Defendants assert the following defenses in response to Plaintiffs' claims, undertaking the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. The Tyson Defendants incorporate by reference the statements, admissions, and denials contained in their Answer, and reserve the right to amend this Answer and to assert other defenses as this action proceeds.

1. The Complaint fails to state a claim upon which relief can be granted. The Tyson Defendants adopt and incorporate by reference all arguments that they raised in the Defendants' joint motion to dismiss, and the Tyson Defendants' individual motion to dismiss. To the extent that the Court's rulings have limited or foreclosed any of these defenses, the Tyson Defendants continue to plead the defenses to preserve them for appeal.

2. Plaintiffs' claims against the Tyson Defendants are barred, in whole or in part, because the Complaint fails to allege how the Tyson Defendants engaged in anticompetitive activity in furtherance of the alleged conspiracy.

3. Plaintiffs' claims are barred, in whole or in part, by the four-year statute of limitations for Sherman Act claims (15 U.S.C. § 15b).

4. To the extent Plaintiffs claim that the Tyson Defendants fraudulently concealed any actions, Plaintiffs have failed to allege this fraud with particularity under Federal Rule of Civil Procedure 9(b) and they have failed to adequately allege that they exercised sufficient due diligence to uncover facts in support of their claims.

5. Plaintiffs lack standing, including antitrust standing, to bring some or all of their claims.

6. Plaintiffs' claims are barred, in whole or in part, because the alleged injuries and damages, if any, resulted from an intervening or superseding cause. Those intervening and/or superseding causes include, but are not limited to, the conduct of other market participants in the market over which the Tyson Defendants had no control, and/or events beyond the Tyson Defendants' control such as global pandemics, weather, and changes in applicable laws and regulations.

7. Plaintiffs' claims are barred to the extent the claims or the relief sought are moot.

8. This action is not properly maintainable as a class action under the Federal Rules of Civil Procedure. Among other things, common issues of fact and law do not predominate over individual issues; a class action is not a superior method for adjudicating the purported claims set forth in the Complaint; adjudication on a class basis would be unmanageable; the interests of the purported class members are in conflict with each other; Plaintiffs are not proper class representatives and their claims are not sufficiently typical of the purported class; and Plaintiffs will not fairly and adequately represent the purported class.

9. The certification and maintenance of this action as a class action would violate the Tyson Defendants' due process rights under the Fifth and Fourteenth Amendments to the United States Constitution and would deny the Tyson Defendants the right of access to the courts to the extent that the certification and maintenance of a class action would deprive them of procedural and substantive safeguards and of traditional defenses to liability.

10. Plaintiffs' claims and the claims of any putative class members are barred in whole or in part to the extent Plaintiffs seek to impose liability on the Tyson Defendants based on the exercise of any person or entity's right to petition federal, state, and local legislative

bodies, as such conduct is permissible under the *Noerr-Pennington* doctrine and privileged under the First Amendment to the United States Constitution.

11. Plaintiffs' claims are barred, in whole or in part, by the doctrines of waiver, estoppel, laches, unclean hands, and other equitable defenses.

12. Plaintiffs' claims are barred, in whole or in part, under the doctrines of collateral estoppel and/or res judicata to the extent that courts have upheld the Defendants' conduct alleged in the Complaint.

13. Plaintiffs' claims and/or entitlement to damages are barred, in whole or in part, because the damages they seek are too speculative, remote, or difficult to ascertain.

14. Plaintiffs did not suffer injury and were not damaged based on any acts alleged in the Complaint that were purportedly traceable to the Tyson Defendants.

15. Plaintiffs' claims and/or entitlement to damages are barred, in whole or in part, because they have failed to mitigate, prevent, or avoid their alleged damages, if any.

16. Plaintiffs' claims are barred, in whole or in part, to the extent they seek improper multiple damage awards, and damage awards duplicative of those sought in other actions, in violation of the Due Process guarantees of the Fifth and Fourteenth Amendments of the United States Constitution.

17. Plaintiffs' claims and/or entitlement to damages are barred, in whole or in part, by non-settling Defendants' right to offset, including any amount paid by Plaintiffs by any Defendants that may settle Plaintiffs' claims in the action.

18. Plaintiffs' claims against the Tyson Defendants for damages are barred, in whole or in part, because Plaintiffs would be unjustly enriched if allowed to recover any portion of the

damages alleged in the Complaint. Plaintiffs' damages, if any, must therefore be offset against any benefits received.

19. Plaintiffs' claims are barred, in whole or in part, to the extent the contracts pursuant to which Plaintiffs purchased beef products contain valid and enforceable clauses waiving and agreeing not to pursue class action claims against either or both of the Tyson Defendants.

20. Plaintiffs' claims are barred, in whole or in part, to the extent the contracts pursuant to which Plaintiffs purchased beef products from the Tyson Defendants contain valid and enforceable arbitration clauses or other terms requiring alternative dispute resolution processes.

21. The Tyson Defendants had independent, legitimate, and self-interested business and economic justifications for their conduct, and they acted unilaterally.

22. Plaintiffs' claims are barred, in whole or in part, because the Tyson Defendants' actions were authorized or permitted under federal law.

23. Plaintiffs are not entitled to injunctive or other equitable relief because to the extent Plaintiffs could prove their claims (which the Tyson Defendants dispute), Plaintiffs have an adequate remedy at law and any injunctive relief would be improper.

24. The Tyson Defendants adopt and incorporate by reference any and all other defenses asserted by any other Defendant to the extent that the defense applies to them.

DATED this 1st day of February, 2022.

/s/ David P. Graham

David P. Graham, Reg. No. 0185462

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*Counsel for Defendants Tyson Foods, Inc. and
Tyson Fresh Meats, Inc.*

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been served upon all counsel of record, via the Court's CM/ECF system on this the ____ day of _____, 2022.

/s/ _____
Signing atty / filer name